
**Early Learning & Children's
Services Committee**

HB 2074

Brief Description: Requesting the court to determine if a termination petition is appropriate when a parent fails to contact a child or indicates an unwillingness to care for the child.

Sponsors: Representatives Hinkle and Walsh.

Brief Summary of Bill

- Allows the Department of Social and Health Services to file a petition for termination of parental rights if a parent indicates an unwillingness to care for a child, or has no contact with the child, for eighteen months following the child's removal from home.

Hearing Date: 2/22/07

Staff: Sonja Hallum (786-7092).

Background:

If there are allegations of abandonment, abuse or neglect, or no parent who is capable of caring for a child, the state may investigate the allegations and initiate a dependency proceeding in juvenile court. If the court finds the statutory requirements have been met, the court will find the child to be a dependent of the state.

In order to have the child returned to the parent's care and the dependency dismissed, the parent must comply with the orders of the court to address the parental deficiencies which led to the dependency. If the parent fails to make progress in curing the parental deficiencies a termination petition may be filed by the Department of Social and Health Services (Department). The termination petition must allege the following:

- The child has been found to be a dependent child;
- The court has entered a dispositional order pursuant to RCW 13.34.130;
- The child has been removed or will, at the time of the hearing, have been removed from the custody of the parent for a period of at least six months pursuant to a finding of dependency;

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- The services ordered and all necessary services, reasonably available, capable of correcting the parental deficiencies within the foreseeable future have been offered or provided;
- There is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future; and
- Continuation of the parent and child relationship clearly diminishes the child's prospects for early integration into a stable and permanent home.

There are, however, a few limited circumstances in which the Department does not need to allege these factors, including the following situations:

- The petition may allege that the child was found under such circumstances that the whereabouts of the child's parent are unknown and no person has acknowledged paternity or maternity and requested custody of the child within two months after the child was found; or
- The petition may allege the parent has been convicted of murder, manslaughter, or homicide by abuse of another child or the attempt to commit one of these offenses, or assault in the first or second degree against one of the parent's children.

Once a petition has been filed, the court must then hold a hearing to determine whether to terminate parental rights. If the court finds the grounds for termination are met, the court will terminate the parental rights and the parent will no longer have rights, privileges, or obligations toward the child.

Summary of Bill:

If a parent indicates an unwillingness to care for a child, or has no contact with the child, for eighteen months following the child's removal from home, the Department may file a petition to terminate the parental rights of that parent without any further allegations.

Appropriation: None.

Fiscal Note: Requested on February 7, 2007.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.